

Written Testimony of

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Select Subcommittee on the Coronavirus Pandemic Hearing: Like Fire Through Dry Grass: Nursing Home Mortality & COVID-19 Policies

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2247 Rayburn House Office Building

Chairman Wenstrup, Ranking Member Ruiz and Members of the Committee, thank you for the invitation to testify before the Select Subcommittee on the Coronavirus Pandemic.

**The Story of Ana Martinez and Voices For Seniors**

I wanted to firstly thank God and the members of this committee for these five minutes that I have this morning to share my family's story which echoes that of thousands of others. Three years goes by so quickly unless you are grieving. For many it's been over 1,141 days of seeking answers into why our mothers and fathers or other loved ones met their fate in the manner they did.

We often think of nursing homes as the place where old people go to die. However, this isn't always the case. There are many patients there for short-term rehabilitation, such as young people recovering from gun-shot wounds, or a car accident or other debilitating illnesses, or otherwise healthy individuals recovering from routine surgeries or other minor injuries.

My mother Ana Martinez, a physically, mentally and emotionally strong woman in her 70's, developed arthritis. It was aggressive and hampered her quality of life. Following the doctors' recommendations and our due diligence she underwent knee replacement surgery. Her first surgery. She was scared but she was reassured that it was routine and would quickly recover after some physical therapy.

After the surgery we were full of expectation, that we would see our mother in her kitchen again to cook her amazing dishes. Our mother was in the midst of her recovery at home post-surgery, when she developed a cyst. After treatment at a local hospital she was sent to a nearby nursing home/rehab facility to receive inpatient physical therapy. It was expected that she would gain strength and return home soon. A minor wound led my mom down a path into a nursing home from which she would never return.

Our daily visits to the nursing home came to an abrupt end in March of 2020, when the facility called to notify us that all visitation would be suspended for approximately two weeks. We never saw our beautiful mother again. She was dead shortly after. Gasping for air, alone, confused and scared without her daughters who were her translators and caregivers. She could not tell us anything was wrong or that she was exposed to Covid-19 because she was also kept in the dark. Like many other families, the

nursing home kept us in the dark as well, never telling us that they were admitting Covid positive patients at the insistence of Governor Cuomo.

We also had no idea that the nursing home failed to have proper policies in place to deal with contagious disease.

Our initial inquiries to our local legislators requesting an investigation into the factors that contributed to the death of our loved ones were met with roadblocks, vitriol and partisan accusations.

That was extremely troubling since my mother, a Puerto Rican woman who along with most of our family were lifelong Democrats.

How could those recovering from surgery and immunocompromised be locked in a facility with a deadly contagion especially in care homes riddled with complaints and historical violations of not adequately following infectious disease protocols.

In addition, the lock down policies allowed a perfect environment for neglect and abuse to run amok out of sight of family and caregivers. If these weren't all painful enough, out of nowhere, the Governor of New York used his powers to give nursing homes legal immunity for their negligence allowing facilities to get away with causing needless deaths due to poor care. We only slowly became aware of the "behind the scenes" politics – that the nursing home owners were the governor's largest donors.

Soon after the death of our mother and in search for answers we found a community of families who shared their tragic stories by the hundreds. We formed Voices For Seniors to give seniors and other long-term care residents a voice. Other daughters and sons heart broken by the untimely deaths of their parents. Such as the Alvino family who lost her beloved father and husband Daniel to Covid in a rehab facility after neck surgery. Or John Daly a loved husband, father and grandfather who had no one to help him eat – debilitated prior to succumbing to Covid, or Robert Nieves a veteran whose last words were, "I am afraid" and Carmela Abbondanzo who was found dead in her bed during a routine nursing call and countless others, my heart can't bear to recount.

Being an advocate for the elderly and others who reside in long-term care facilities has been a feat more difficult than we could have ever imagined especially when everything is a partisan football.

We won't let our loved ones die in vain, and we won't let this be swept under the rug due to politics.

When will we see the elderly community elevated to a position of dignity and respect that they most certainly deserve?

Will we see a deep and thorough investigation into all the factors that led to such tragedy, both the ones who lit the match and those that allowed it to burn?

We truly thank you for holding this hearing this morning and we sincerely hope that you leave no stone unturned to get down to every cause and effect that led to the pain and devastation inflicted on so

many. It may be been 1,141 days of waiting to be heard but I sure hope today is day 1 for answers and justice.

Now I will speak on behalf of the Hispanic Community.

A la comunidad hispana y latina, que perdio un ser querido mientras recibia tratamiento o cuidado en un hogar de ancianos. Hoy hablamos por ti.

Pasamos mucho tiempo en espera de una investigacion para obtener toda verdad sobre la decisiones y la falta de quido apropiado que resulto en la muerte de nuestros seres queridos.

Seguiremos abogando por justicia por nuestros padres, hermanos, abuelos y amigos.

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TRANSLATION:

To the Hispanic and Latino community that lost a loved one while receiving treatment and care in a nursing home facility. Today we speak for you.

We have spent a long time in anticipation of an investigation to obtain all truth regarding the decisions and the inadequate care that resulted in the death of our loves ones.

We will continue to advocate for justice for our parents, our siblings, grandparents and friends.

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